

REMARKS/ARGUMENTS

Responsive to the Official Action mailed March 17, 2006, applicants have further amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, new claims 31 and 32 have been added. Reconsideration is respectfully requested.

In the Action, the Examiner has rejected the pending claims under 35 U.S.C. §103, with reliance upon U.S. Patent No. 6,022,818, to Welchel et al., in view of U.S. Patent No. 5,632,072, to Simon et al. However, it is respectfully maintained that these references, even when combined, do not teach or suggest applicants' novel method as claimed, and accordingly, the Examiner's rejection is respectfully traversed.

As previously noted, the Examiner specifically acknowledges the significant shortcomings in the teachings of the primary Welchel et al. reference in teaching or suggesting the present invention, wherein the Examiner acknowledges that Welchel et al.:

- "Fails to teach the precursor web as positioned on a three-dimensional image transfer device having a foraminous forming surface defining an array of surface depressions and hydro-entangling the web so that the web is imaged and patterned on the image transfer device";
- "Fails to teach that the fabric as a result will have an array of upstanding projections extending above a network of liquid-accepting channels corresponding to the array of surface depressions defined by a foraminous forming surface";
- "Fails to teach that the nonwoven is dried at an elevated temperature and activating heat fusible fibers to stabilize and enhance the retention of the three-dimensional image".

Applicants understand the Official Action to urge that it would have been obvious to one of ordinary skill in the art to modify the composite construct of Welchel et al., whereby a

patterned image is created on the surface with a three-dimensional image transfer device of Simon as motivated "by the desire to create a nonwoven web having an aesthetically pleasing surface texture and pattern" (see Official Action, page 5).

The present invention, as recited in independent claim 12, and in similar language in independent claim 19, recites a "*fibrous layer forming a liquid-acceptance layer of said fabric having an array of upstanding projections that minimize contact with a user to promote comfort, and to promote fluid management, said array of upstanding projections extending above a network of liquid-accepting channels . . .*".

Thus, the focus of the present invention is on *function*, whereas the focus of the art relied upon by the Examiner is on *aesthetically pleasing textures and patterns*, as specifically asserted by the Examiner.

As such, it is respectfully submitted that Simon et al. completely fails to disclose a method using an image-transfer device to form a fabric having such structural features, including an array of projections in combination with a network of liquid-accepting channels, much less the resulting advantageous functions and performance obtained therewith.

Moreover, the present application includes comparative experimental data demonstrating the surprising and unexpectedly improved *functional and performance result*, obtained in nonwoven fabrics made with the method of the present claims. The Examiner's attention is respectfully invited to pages 17-22, and Tables 1-3.

In view of at least the above, a *prime facie* case of obviousness has not been established against the present claims under examination. Moreover, even if it had been,

Application No. 09/903,215
Amendment dated July 14, 2006
Reply to Office Action of March 17, 2006

arguendo, comparative testing data has been proffered, via the instant application, which is sufficient to rebut any such *prime facie* case.

Again, applicants respectfully refer to M.P.E.P. Section 2143.03, which specifically requires that in order to formulate a proper obviousness rejection, the claim limitations must be taught or suggested by the prior art, and in accordance with M.P.E.P. Section 2143.01, "the prior art must suggest the desirability of the claimed invention".

Clearly, the combined teachings of the cited prior art references do not meet these specific requirements of the M.P.E.P., the mandates of which must be followed for formulation of a proper obviousness rejection. Accordingly, it is respectfully submitted that the rejection of the pending claims under 35 U.S.C. §103 should be withdrawn.

In view of the foregoing, formal allowance of claims 12-21, 24, and 31-32 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

By 
Stephen D. Geimer, Reg. No. 28,846

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 West Madison Street, Suite 3800
Chicago, Illinois 60661-2511
312/876-1800

Application No. 09/903,215
Amendment dated July 14, 2006
Reply to Office Action of March 17, 2006

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **July 14, 2006**.



